

REMARKS

This Amendment is directed to the non-final Office Action mailed January 6, 2009 setting a three month shortened statutory period for response expiring on April 6, 2009. Claims 19-34 and new claims 53 through 68 set forth above are now pending. Reconsideration and withdrawal of the rejections set forth in the Office Action is respectfully requested in view of the amendment to claim 19, the new claims and the following remarks.

Claim Rejections - 35 USC 112

Claim 19 stands rejected as indefinite in that the limitation "filling the attraction During the allocated return time" seems to be unclear and verbose. Claim 19 has been amended to obviate this rejection. An Examiner Interview was held on March 16, 2009 to discuss this rejection and the amended language of claim 19 set forth above. Examiner Haider and his supervisor, Examiner Zeender, and the undersigned attorney participated in the telephonic interview. The examiners agreed that the language of amended claim 19 obviates the rejection.

Mr. Zeender asked that Applicant's response point out the support for the proposed amended negative limitation language "without reserving space..." set forth in Applicant's specification. In order to address Mr. Zeender's comment, reference is made to the following paragraphs of Applicants' specification:

[0009] This invention in one form relates to a system and method managing the loading of patrons on multiple attractions in an entertainment environment. It provides for patrons and customers the choice of standing in a first-in first-out line for the attraction, or having a priority space reservation for admission to the attraction at a later time without standing in the first-in first-out line or queue.

[0011] The invention includes a method and system of managing the loading by patrons of multiple attractions in an entertainment environment. Different patrons are, permitted access to the attraction on at least two bases, firstly, on a first-in first-out basis, and secondly, on a priority basis established by a prior allocation of a space to the attraction.

[0060] The system includes a first queue 24 by which customers, gain access to the attraction 22 by waiting in a line, much as has been done in the prior art. In other words, the

customers in the first queue 24 have an order in line based on a time at which they enter the queue, and are able to utilize the attraction in that order when a space or capability is available.

[0061] The customers in the first queue 24 are permitted to access the attraction when there is an open spot not filled by the customers accessing the attraction via the second queue 26.....In addition, if one or more of the spots dedicated to the customers of the second queue 26 are not filled, such as if one or more customers who obtain passes for accessing the second queue 26 do not return to access the attraction, then these spots may be filled by customers in the first queue 24. As described in more detail below, this arrangement permits the attraction to operate at all times at optimum capacity.

A careful reading of Applicants' disclosure supports the amended language used in amended claim 19 as set forth above.

First, paragraph [0009] states that customers have the choice of 1) standing in a fifo line for the attraction, or 2) obtaining a priority space reservation for admission to the attraction at a later time. The examiner is respectfully requested to note that the "space reservation" for admission to the attraction is not the same as a space reservation **in** the attraction (as is the case in Mahoney). Thus the "space reservation" referred to in Applicants' invention equates to a space reservation **for access, or admission**, to the attraction, via the second queue.

Second, paragraph [0011] states that patrons are permitted **access to** the attraction (1) on a fifo basis or (2) on a priority basis established by a prior allocation of a space **to the attraction** (not allocation of a space in the attraction).

Paragraph [0060] clearly states that queue 24 is a first in first out (fifo) queue. It is important to note that "to gain access to the attraction" is not the same as to have a space reservation **in** the attraction. Paragraph [0061] clearly states that the fifo queue 24 is used to fill attraction 22 whenever there is no customer in the second queue. Stated another way, customers in the priority queue 26, if any, are preferentially loaded over those in queue 24, the fifo queue. This clearly supports the language used in amended claim 19.

Paragraph [0061] goes on to state that the number of customers permitted to access the attraction 22 via the second queue 26 may be adjusted to provide a certain number of open spots for customers in the fifo queue 24. In this way the length of wait times in both queues can be

effectively and efficiently managed. Paragraph [0061] also states: "In addition, if one or more of the spots dedicated to the customers of the second queue 26 are not filled, such as if one or more customers who obtain passes for **accessing the second queue 26** do not return to access the attraction, then these spots may be filled by customers in the first queue 24." Emphasis added. Stated another way, if there are no customers in the second queue, then the customers in the fifo queue are permitted to access the attraction in fifo order.

This is the same as permitting access via the fifo queue unless a priority access customer is present during the return time in which case the priority access customer is preferentially given access. Thus Applicants' system amounts to "filling the attraction with patrons on a first-in first-out basis, without reserving space for a patron having the allocated return time who is not present at the attraction during the allocated return time, and if a patron having the allocated return time is present at the attraction during the allocated return time then preferentially loading the patron having the allocated return time." Claim 19.

For the above reasons, it is respectfully submitted that sufficient support exists in Applicants' specification, and therefore this rejection should be withdrawn.

Claim Rejections - 35 USC 103

Claims 19-26 and 30-34 stand rejected as unpatentable over Mahoney in view of Decker et al. Claims 27-29 stand rejected as unpatentable over Mahoney in view of Decker et al, and further in view of Christie. Fundamental to each of the rejections is the examiner's characterization of Mahoney. For the reasons set forth below, Mahoney simply does not disclose or suggest Applicants' claimed invention.

In the Office Action, the examiner states, in paragraph 7, that claim 19 limitation "filling the attraction to its predetermined attraction capacity with patrons not having the allocated return time on a first-in first-out basis unless a patron having the allocated return time is present and preferentially loaded during the return time and without reserving space for a patron having the allocated return time who is not present during the allocated return time" as not persuasive over Mahoney. The examiner goes on to recite Mahoney at column 4, lines 40-44 which states:

If a card holder 82 arrives **after** his or her time slot window and access is denied, the waiting line management computer 16 **then releases that space or place to a non-card holding patron 72 located in the non-card line 70.**" (emphasis added)

The examiner is respectfully requested to note that this passage is precisely what distinguishes Mahoney from Applicant's claimed method in claim 19. In Mahoney, the slot window is reserved during the window. If the patron doesn't show up during the window, then the space is THEREAFTER released to the non-card holding patrons. This produces a delay that is clearly NOT present in Applicant's method of filling the attraction and is clearly not in Applicant's independent claim 19, which, as the examiner correctly quoted above, requires filling on the first-in first-out basis unless a patron having the allocated return time IS present and preferentially loaded during the return time and WITHOUT reserving space for a patron having the allocated return time who is not present during the allocated return time." (emphasis added).

The other references, including Decker, do not make up for the deficiencies of Mahoney. For the above reasons it is respectfully submitted that it is precisely because of Applicants' claim language, and the recitation in Mahoney at Column 4, lines 40-44, cited by the examiner, that Mahoney cannot render Applicants' amended claim 19 and the depending claims therefrom obvious even with the addition of Decker. Mahoney does NOT operate its attraction at capacity since during the reserved time spaces are not made available to non-card holding guests until the reserved time expires. Column 4, lines 40-44.

The Mahoney queue method is non-optimal in many practical attraction queue scenarios because non-card holding guests must wait until the end of the reserved time period even when a space on the attraction is open. Moreover, once the reserved time expires the ride operator must rush the non-card holder(s) to the open seat(s) at the very last minute, delaying the start of the ride.

The invention of claim 19 overcomes these deficiencies by making the capacity available to the FIFO queue (akin to a non-card holder in Mahoney) without regard to the return time window. The guest holding a return time will be loaded preferentially, but only after that guest arrives at the attraction within the return time. There is no reserving space for a patron that has a return time but is not present during the allotted return time. In this manner, the FIFO guest is

not delayed unnecessarily, every seat can be used as soon as it is available, rushed loading is avoided, and the attraction can be started without unnecessary delay.

Decker does not supply the deficiencies of Mahoney set out above and as set out in previous responses. At least for the foregoing reasons, Applicants submit that independent Claim 19, as now amended, is not rendered obvious by Mahoney in view of Decker either together or in combination with any of the other cited references.

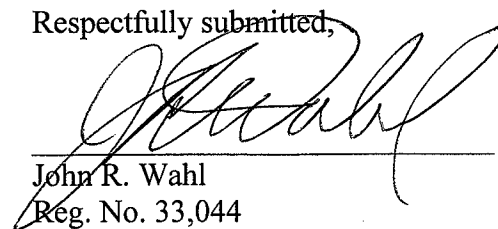
New Claims

New claims 53 through 68 are added for consideration by the examiner. These claims are also believed to be allowable for the reasons set forth above with regard to Claims 19 through 34.

Conclusion

Claims 19-34 and 53-68 are now pending. Applicants submit that this amendment is responsive to all points in the Office action such that the present application is now in condition for allowance. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned attorney at (303) 685-7460. Although no fee is believed to be due, the Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account Number **50-2638**. Please ensure that Attorney Docket Number 058085-010203 is referred to when charging any payments or credits for this case.

Respectfully submitted,



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